

Appl. No. 09/712,580

R E M A R K S

Claims 1, 6-8, 11-16 and 19-20 have been amended. Claims 2-4 stand as originally presented. Claims 5, 9, 10, 17 and 18 have been cancelled. New claims 21 and 22 have been added.

Claims 1-20 were considered in the Office Action.

Claims 1, 2, 4-7, 9-14 and 19-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Munson, U.S. Patent 5,648,814. Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Munson in view of Mizokami et al., U.S. Patent 4,584,610. Claims 15-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Munson in view of Safai, U.S. Patent 6,715,003. Claim 8 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicants believe that the currently pending claims are not anticipated by or obvious over the cited references for at least the reasons set forth below, and respectfully request reconsideration.

Claim 1

The cited references do not disclose or suggest:

"A method of configuring settings in an imaging device, comprising:

configuring said settings in said imaging device with default values, wherein said default values are calculated based on a plurality of previous externally adjusted values for said settings;

if at least one value for said settings is externally adjusted, configuring said settings in said imaging device with said at least one value;

Appl. No. 09/712,580

receiving an indication that said settings are acceptable; and

determining whether to combine said at least one value for said settings in said imaging device with said plurality of previous externally adjusted values for subsequent uses of said default values."

(Claim 1, as amended, emphasis added)

The above highlighted features are not anticipated by the cited references and would not have been obvious to a person with ordinary skill in the art having the cited references. None of the cited references disclose basing default settings values on a plurality of previous externally adjusted values. For example, Munson discloses storing the "last used" operating parameters for a video conferencing camera (see col. 4, lines 45-48). However, Munson does not disclose basing a default setting on a plurality of previous externally adjusted values for the setting. The Applicants believe that currently pending claim 1 is allowable over the cited references and respectfully request reconsideration.

Dependent claims 2-4 depend upon independent claim 1 which is allowable over the cited art as discussed above. These dependent claims are likewise in condition for allowance at least because they depends on an allowable independent claim. However, dependent claims 2-4 are independently allowable at least in that they recite particular features which, when combined with the elements of the independent claim, are not disclosed or suggested in the cited references.

Claim 6 is believed allowable as depending from an allowable base claim and is further believed allowable in that the cited references to not disclose or suggest:

"The method of claim 1, further comprising retrieving

Appl. No. 09/712,580

said plurality of previous externally adjusted values from a memory in said imaging device."

(Claim 6, as amended, emphasis added)

5 The cited references do not disclose retrieving a plurality of externally adjusted settings values from a memory in an imaging device.

Claim 7 is believed allowable as depending from an allowable base claim and is further believed allowable in that the cited references to not disclose or suggest:

10 "The method of claim 1, wherein said default values are calculated by combining said plurality of previous externally adjusted values and determining an optimal value representing said plurality of previous externally adjusted values."

(Claim 7, as amended, emphasis added)

15 Munson discloses retrieving last used values from a camera. Munson does not disclose calculating default values. Furthermore, Munson does not disclose combining a plurality of previous externally adjusted values and determining an optimal value.

20 Claim 8 is believed allowable as depending from an allowable base claim and is further believed allowable in that the cited references to not disclose or suggest:

25 "The method of claim 7, wherein said optimal value comprises a mean value of said plurality of previous externally adjusted values."

(Claim 8, as amended, emphasis added)

As indicated by the Examiner, the references do not

Appl. No. 09/712,580

disclose calculating optimal settings values by calculating a mean value of previous externally adjusted values.

Claim 11 is believed allowable as depending from an allowable base claim and is further believed allowable in that the cited references to not disclose or suggest:

"The method of claim 1, wherein said determining always returns an indication to combine said at least one value for said settings with said plurality of previous externally adjusted values."

(Claim 11, as amended, emphasis added)

The cited references do not disclose always combining an externally adjusted settings value with a plurality of externally adjusted settings values.

Claim 12 is believed allowable as depending from an allowable base claim and is further believed allowable in that the cited references to not disclose or suggest:

"The method of claim 1, wherein said imaging device has an accumulation mode, and wherein said determining whether to combine said at least one value for said settings comprises reading a state of said accumulation mode."

(Claim 12, as amended, emphasis added)

Applicants respectfully disagree that Munson's automatic/manual mode is equivalent to the claimed accumulation mode. First, even if Munson's automatic/manual mode had some affect on whether settings were accumulated, it would still not disclose an accumulation mode, a mode that is directed primarily at whether settings are accumulated. Second, there does not appear to be any disclosure in Munson that the "auto mode discards settings and the manual mode

Appl. No. 09/712,580

saves changes" as indicated in paragraph 11 of the Office Action mailed May 6, 2004. The Office Action cites Munson, col. 1, lines 18-24 which are as follows:

5 The two modes are automatic and manual. under the automatic mode, the brightness and color balance are adjusted continuously to achieve an "ideal image", whereas under the manual mode, the brightness and color balance are adjusted under the control of the user. Most video conferencing systems are set up with the automatic mode as the default mode of operation. Most
10 Munson, col. 1, lines 18-24

This does not indicate whether settings are accumulated for use as default settings values. There is no discussion of what settings values are used as a starting point for either
15 automatic or manual mode in this cited section of Munson, nor of whether settings are accumulated for use as default settings values. Another section of Munson that appears to deal with both stored last operating parameters and the automatic/manual mode is as follows:

20 As shown, at power on or reset, as part of the initial power on/reset steps, microcontroller 32 starts operating camera 16 using a set of "last used" operating parameters and in automatic adjustment mode, step 122. Munson, col. 4, lines 45-48

25 Again, Munson does not disclose an accumulation mode that affects whether the at least one value for the settings is combined with the plurality of previous externally adjusted values for subsequent uses of default values.

30 Claim 13 is believed allowable as depending from an allowable base claim and is further believed allowable in that the cited references do not disclose or suggest:

Appl. No. 09/712,580

"The method of claim 12, further comprising **not combining said at least one value for said settings if said accumulation mode is in a Discard state.**"

(Claim 13, as amended, emphasis added)

5 The cited references do not disclose an accumulation mode with a Discard state. The cited references also do not disclose electing not to combine the at least one value for the settings with the plurality of previous externally adjusted values based on an accumulation mode.

10 Claim 14 is believed allowable as depending from an allowable base claim and is further believed allowable in that the cited references to not disclose or suggest:

15 "The method of claim 12, further comprising **combining said at least one value for said settings if said accumulation mode is in an Add state.**"

(Claim 14, as amended, emphasis added)

20 The cited references do not disclose an accumulation mode with an Add state. The cited references also do not disclose electing to combine the at least one value for the settings with the plurality of previous externally adjusted values based on an accumulation mode.

Claim 15 is believed allowable as depending from an allowable base claim and is further believed allowable in that the cited references to not disclose or suggest:

25 "The method of claim 12, further comprising **prompting a user to decide whether to combine said at least one value for said settings if said accumulation mode is in a Prompt state.**"

(Claim 15, as amended, emphasis added)

Appl. No. 09/712,580

5 The cited references do not disclose an accumulation mode with a Prompt state. Although Safai may disclose a Done and Cancel command that saves or discards settings, the combined references do not disclose electing to prompt a user to decide whether combine the at least one value for the settings with the plurality of previous externally adjusted values based on an accumulation mode.

10 Claim 16 is believed allowable as depending from an allowable base claim and is further believed allowable in that the cited references to not disclose or suggest:

"The method of claim 15, further comprising reading a user input to determine **whether to combine said at least one value for said settings.**"

(Claim 16, as amended, emphasis added)

15 The cited references do not disclose reading a user input to determine whether to combine settings values. As discussed above, none of the cited references disclose combining settings values to calculate default settings values for an imaging device.

20 Claim 19

The cited references do not disclose or suggest:

"An electronic imaging device, comprising:

an imaging system; and

25 computer readable program code in said electronic imaging device, said computer readable program code comprising:

i) code for retrieving a default state of a plurality of settings in said imaging device;

Appl. No. 09/712,580

ii) code for configuring said imaging device with said default state of said plurality of settings;

iii) code for reading a new state of said plurality of settings after an image is captured;

iv) code for retrieving a plurality of previous user-selected states of said plurality of settings;

v) code for calculating a new default state for said plurality of settings from said new state and said plurality of previous user-selected states of said plurality of settings."

(Claim 19, as amended, emphasis added)

The arguments for allowability set forth above with respect to claim 1 are repeated, but specifically directed to the electronic imaging device of claim 19. Again, the cited references do not disclose retrieving a plurality of previous user-selected states of a plurality of settings, nor calculating a default settings state based on a new state and a plurality of previous user-selected settings states. Furthermore, the cited references do not disclose code for reading a new state of a plurality of settings after an image is captured.

Claim 20

The cited references do not disclose or suggest:

"A digital imaging apparatus, comprising:

means for configuring said digital imaging apparatus with default settings;

means for reading new settings on said digital

Appl. No. 09/712,580

imaging apparatus;

means for determining whether to calculate new default settings based on said default settings and said new settings; and

means for calculating new default settings."

(Claim 20, as amended, emphasis added)

The arguments for allowability set forth above with respect to claim 1 are repeated, but specifically directed to the digital imaging apparatus of claim 20. Munson discloses only saving the last used operating parameters. The cited references do not disclose calculating default settings based on default settings and new settings, but just store a single operating parameter state. The cited references also do not disclose determining whether to calculate new default settings.

Claim 21 is believed allowable as depending from an allowable base claim and is further believed allowable in that the cited references do not disclose or suggest:

"The method of claim 1, wherein said combining said at least one value comprises storing said at least one value along with said plurality of previous externally adjusted values in said imaging device for use in subsequent calculations for said default values."

(Claim 21, emphasis added)

As discussed above, the cited references do not disclose combining a settings value with previous settings values. The cited references also do not disclose storing a plurality of externally adjusted values in an imaging device for use in subsequent calculations for default settings values.

Appl. No. 09/712,580

Claim 22 is believed allowable as depending from an allowable base claim and is further believed allowable in that the cited references do not disclose or suggest:

"The method of claim 1, wherein said combining said at least one value comprises combining said at least one value with said with said plurality of previous externally adjusted values to form new default values and storing said new default values in said imaging device."

(Claim 22, emphasis added)

As discussed above, the cited references do not disclose combining a settings value with previous settings values, nor storing newly calculated default values based on previous externally adjusted values in an imaging device.

The Applicants believe that the currently pending claims are allowable over the cited references and respectfully request the timely issuance of a Notice of Allowance.

Dated: 7/26/04

Respectfully submitted,
KLAAS, LAW, O'MEARA & MALKIN, P.C.

By:

Guy R. Clinger
Guy R. Clinger, Esq.
Registration No. 42,422
1999 Broadway, Suite 2225
Denver, CO 80202
(303) 298-9888
Fax: (303) 297-2266